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## EXPLANATORY NOTE

*(This note is not part of the Order)*

1. These Regulations apply in relation to England only. They revoke and re-enact in relation to England the Quick-frozen Foodstuffs Regulations 1990 (S.I. 1990/2615, as amended), which extend to the whole of Great Britain. In addition to continuing the implementation of the Directives specified in paragraph 3 below, these Regulations now also provide for the execution and enforcement of Commission Regulation (EC) No. 37/2005 on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption (OJ No. L10, 13.1.2005, p.18).

2. These Regulations-

- (a) prohibit the placing on the market of a quick-frozen foodstuff unless certain conditions are satisfied (*regulation 3*);
- (b) prohibit the placing on the market of a quick-frozen foodstuff intended for the ultimate consumer unless certain conditions regarding packaging are satisfied (*regulation 4*);
- (c) impose requirements relating to the marking or labelling of quick-frozen foodstuffs (*regulation 5*);
- (d) impose requirements in relation to the equipment used in respect of quick-frozen foodstuffs intended for placing on the market for human consumption (*regulation 6*);
- (e) provide for additional inspections of quick-frozen foodstuffs and of the temperatures maintained in respect of them (*regulation 7*);
- (f) require a food operator to make records available in certain circumstances (*regulation 8*);
- (g) provide that a person who contravenes or fails to comply with any of the provisions of these Regulations is guilty of an offence and create a penalty for that offence (*regulation 9(1)*);
- (h) provide that, subject to certain exceptions, namely compliance with transitional requirements for measuring instruments installed before 1st January 2006 in the case of a contravention of the first paragraph of Article 2.2 of Commission Regulation (EC) No. 37/2005 and a contravention of Article 2 of Commission Regulation (EC) No. 37/2005 in respect of small cold stores in retail outlets where the air temperature is measured by an easily visible thermometer, a person who contravenes or fails to comply with specified provisions of that Regulation is guilty of an offence and create a penalty for that offence (*regulation 9(2), (3) and (4)*);
- (i) provide for the execution and enforcement of these Regulations (*regulation 9(5)*); and
- (j) apply with modifications certain provisions of the Food Safety Act 1990 (1990 c.16) for the purposes of these Regulations (*regulation 10*).

3. The Directives implemented by S.I. 1990/2615 that these Regulations continue to implement are—

- (a) Council Directive 89/108/EEC on the approximation of the laws of Member States relating to quick-frozen foodstuffs for human consumption<sup>(1)</sup>; and

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(1) OJ No. L40, 11.12.89, p.34, as last amended as at the making of this instrument by Council Directive 2006/107/EC adapting Directive 89/108/EEC relating to quick-frozen foodstuffs for human consumption and Directive 2000/13/EC of the European Parliament and of the Council relating to the labelling, presentation and advertising of foodstuffs, by reason of the accession of Bulgaria and Romania (OJ No. L363, 20.12.2006, p.411).

**Status:** This is the original version (as it was originally made).

- (b) Commission Directive [92/2/EEC](#) laying down the sampling procedure and the Community method of analysis for the official control of the temperatures of quick-frozen foods intended for human consumption (OJ No. L34, 11.2.92, p.30).

**4.** A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Labelling, Standards and Allergy Division, Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH, and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OSPI website.